

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY:

Gladys Morales

Date:

December 14, 2005

MAIL STOP AMENDMENT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Chih Chieh Yeh et al.

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Conf. No.: 3578

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Appln. No.: 10/756,777

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Filing Date: January 14, 2004

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§

Title: NONVOLATILE MEMORY CELL AND OPERATING METHOD

§

Group Art Unit: 2827

Examiner: Tan Nguyen

Attorney Docket No.: 681939-62US

TERMINAL DISCLAIMER AND STATEMENT OF COMMON OWNERSHIP

In accordance with 37 C.F.R. § 1.321(b), Petitioner, Macronix International Co., Ltd., residing at Science-Based Industrial Park, No. 16, Li-Hsin Road, Hsinchu, Taiwan, R.O.C., represents that it is assignee of the whole and entire right, title and interest in and to the above-identified application, which is a continuation-in-part of prior U.S. Patent No. 6,690,601 (the "prior patent"). The prior patent was assigned to Petitioner by an Assignment recorded March 29, 2002, at Reel 012756, Frame 0109. The present application was assigned to Petitioner by an Assignment recorded January 14, 2004, at Reel 014895, Frame 0784. Based on a review of evidentiary documents relating to the chain of title from the original owner to Petitioner, the undersigned hereby certifies that to the best of his knowledge and belief, both the present application and the prior patent are commonly owned by Petitioner.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 of the prior patent. Petitioner

hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the present application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 of the prior patent, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable or is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, or is in any manner terminated prior to the expiration of its full statutory term.

The undersigned official of Petitioner is empowered to act on behalf of Petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

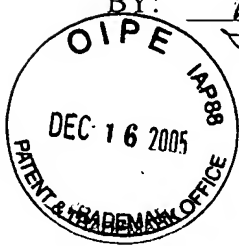
MACRONIX INTERNATIONAL CO., LTD.

December 14, 2005
(Date)

By: Clark Jablon
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Appln. No.: 10/756,777 § Examiner: Tan Nguyen
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Title: NONVOLATILE MEMORY CELL AND OPERATING METHOD

TERMINAL DISCLAIMER TRANSMITTAL LETTER

Submitted herewith is a Terminal Disclaimer and Statement of Common Ownership with respect to the above-identified patent application.

- ☒ A check in the amount of **\$130.00** for the statutory disclaimer fee under 37 C.F.R. § 1.20(d) is enclosed herewith.
- ☒ The Commissioner is hereby authorized to charge Deposit Account No. 50-1017 (**Billing No. 681939.0062**) as noted below.
- ☐ Statutory disclaimer fee under 37 CFR § 1.20(d) in the amount of **\$130.00**.
- ☒ Any deficiencies or overpayments in the above-calculated fee.

Respectfully submitted,

Chih Chieh Yeh et al.

December 14, 2005
(Date)

By:

Clark Jablon

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